

Rural Area Flexibility Analysis (RAFA)
For
Hudson River – Black River Regulating District
Grievance Hearing Procedures

Title 6, Part 606 of the Official Compilation of Codes, Rules and Regulations of
the State of New York

December 8, 2009

Pursuant to SAPA §202-bb(2), in developing a rule, agencies must consider utilizing approaches to accomplish the objectives of a statute while minimizing any adverse impact on public and private sector interests in rural areas. For the purposes of this SAPA evaluation, a rural area is defined as a county having a population less than 200,000. The eight counties with corporate boundaries within the Hudson River area include: Albany; Rensselaer; Hamilton; Fulton; Washington; Warren; Essex; and Saratoga counties. The five counties with corporate boundaries within the Black River area include: Jefferson; Lewis; Herkimer; Oneida; and Hamilton counties. Of the twelve counties within the two river areas, Essex, Rensselaer, Hamilton, Washington, Warren, Fulton, Jefferson, Lewis, Herkimer and Oneida counties each have a population of less than 200,000 persons, and therefore, the potential impacts on these counties must be considered.

Pursuant to SAPA §202-bb(4)(a) a Rural Area Flexibility Analysis (RAFA) is not required because the Proposed Rules will not impose adverse impacts or reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. Pursuant to the requirements of SAPA, the following

represents the statement of findings and the reasons upon which the finding was made that the rule would impose no adverse impacts or recordkeeping compliance requirements:

Small Businesses

The affected parties will include both commercial and non-commercial parties with property or interests lying within designated floodplains in either the Hudson River Area or the Black River Area. The majority of the affected parties will include non-commercial parties. The commercial parties primarily include non-FERC licensed hydropower entities and retail outlets, marinas, restaurants, warehouse and industrial facilities located within the floodplain adjacent to the Sacandaga and Hudson Rivers and similar commercial parties within similar floodplains for the Black, Beaver and Moose Rivers. These non-commercial and commercial parties own property within one or both of the Regulating District's two river areas.

The Regulating District anticipates preparation of maps and/ or property descriptions which clearly delineate those parcels in a given municipality falling within the designated floodplain. The Proposed Rules will provide property owners with 45 days to view such map or description and will guide interested or aggrieved parties in the preparation and submission of written complaints.

The Proposed Rules are not expected to result in an increased need for small businesses to hire professional consultants for compliance. The Proposed Rules will not require small businesses to purchase or lease new computer

equipment, hardware or software. The Proposed Rules will not require small business to prepare any additional reports or keep additional records. As stated in the RIS, the Proposed Rules are being developed to provide predictability and finality to the apportionment grievance process.

Local Government Mandates

There will be no costs to local governments for the implementation of the Proposed Rules because the Regulating District will fully administer and fund the apportionment grievance process. Local governments will have the option to contest, but need not contest, an apportionment which affects the municipality and/or its constituents. The Regulating District pays approximately \$2.6 million in property taxes to the municipalities and other taxing jurisdictions around Great Sacandaga Lake, and the payment of these taxes will not be affected by this rulemaking.

This rule making will not impose any program, service, duty or responsibility upon counties, cities, towns, villages, school districts, fire districts or other special districts.